IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

FAO.No. 63 of 2007()

AGAINST THE ORDER IN I.A.1595/06 IN O.S.NO.9/06 OF THE IST ADDL. DISTRICT COURT, THIRUVANANTHAPURAM.

APPELLANTS/COUNTER PETITIONERS
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1. A.G.THAJUDEEN, 'ID MUBARAK' HOTEL, S.S.KOVIL STREET, THAMPANOOR, THIRUVANANTHAPURAM.

2. ABDUL RASHEED.P., PUTHUVAL PUTHEN VEED, PATUTHIKUZHI, POONTHURA P.O., THIRUVANANTHAPURAM.

3. SHYJU @ SHAHUL HAMEED .T., KULATHINKARA VEEDU, KARIMADOM COLONY, CHALAI P.O., THIRUVANANTHAPURAM.

4. NIZAR.S., SHAMEELA MANZIL, KATTUVILA, PEYADU, THIRUVANANTHAPURAM.

BY ADV. SRI.B.SATHIQ

RESPONDENT/PETITIONER

A.MOHAMMED NIZAM, PROPRIETOR, NEW MUBARAK, STATUE, THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS M.JACOB

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Advocate Sri V.K.Praveen, representing the counsel for the appellant Sri B.Sathiq, submitted that this appeal is not pressed.

Dismissed as not pressed.

Sd/- P.R.RAMAN, JUDGE.

15/11/2007 Sd/- V.K.MOHANAN, JUDGE.

P.R.RAMAN & V.K.MOHANAN,JJ

C.M.Appl.No.304 of 2007
in
F.A.O No. 63 of 2007

Dated 29th October, 2007

order

Raman, J

This is an application for condonation of delay of 98 days in filing the appeal. In the affidavit filed in support of the delay condonation petition it is averred inter alia, that after the injunction order passed by the court below, there was interaction between the parties and the appellant did not challenge the order. This is disputed by filing counter. No acceptable materials are produced to support the contention. As such, the cause for the delay stated in the affidavit is not supported by materials produced in this case. However, considering the fact that this is a first appeal filed against the order of the trial court and there is no inordinate delay, the delay in filing the appeal can be condoned on terms.

In the result, the application is allowed on condition that the petitioner/appellant shall pay an amount of Rs.2000/- (Two thousand

only) to the respondent through counsel within two weeks from today.

Post after two weeks.

P.R.Raman, Judge.

V.K.Mohanan, Judge.

V.K.MOHANAN, J.

No....

Judgment/Order

Dated: